

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STEPHEN E. EBERHARDT,

Plaintiff,

vs.

VILLAGE OF TINLEY PARK, JACOB C.
VANDENBERG, KRISTIN A. THIRION,
MICHAEL W. GLOTZ, DAVID J.
NIEMEYER, PATRICK CARR, TERICA
KETCHUM, BETH MCKERNAN,
KENNETH SHAW, NANCY O'CONNOR,
and PATRICK J. WALSH, d/b/a WALSH
LAW GROUP, P.C.,

Defendants.

Case No. 1:20-cv-01171

**DEFENDANT PATRICK J WALSH'S MOTION TO COMPEL ANSWERS TO
INTERROGATORIES PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 69**

NOW COMES the Defendant, PATRICK J. WALSH, by and through his attorneys, Griffin Williams McMahon & Walsh, LLP, and moves this Honorable Court to compel Plaintiff STEPHEN E. EBERHARDT, to answer written discovery pursuant to Federal Rule of Civil Procedure 69, and in support thereof, states as follows:

1. On February 18, 2020, Plaintiff Stephen Eberhardt ("Mr. Eberhardt") filed the initial Complaint in this matter against Defendant Patrick J. Walsh ("Mr. Walsh") along with Village of Tinley Park officials, attorneys, and residents. See Dkt. 1.

2. Mr. Walsh individually and through counsel served Rule 11 notices on Mr. Eberhardt on April 16, 2020, August 5, 2020, and March 31, 2021. Dkt. 134 at Ex. A; Dkt. 153 at Ex. F. Mr. Eberhardt continued to prosecute the case.

3. On September 2, 2021, the district court granted Mr. Walsh's motion to dismiss Mr. Eberhardt's First Amended Complaint based on the absence of subject matter jurisdiction and Mr. Eberhardt's lack of Article III standing to sue Mr. Walsh. Dkt. 150.

4. On September 30, 2021, Mr. Walsh filed a motion for sanctions pursuant to Federal Rule of Civil Procedure 11. Dkt. 153. On August 18, 2022, the district court entered an order (the "Rule 11 Order") granting Mr. Walsh's motion and sanctioning Mr. Eberhardt \$26,951.22. Dkt. 167 at 14.

5. On September 7, 2022, Mr. Eberhardt filed a motion for reconsideration. Dkt. 172. On April 18, 2023, the district court denied Mr. Eberhardt's motion for reconsideration. Dkt. 201.

6. On September 14, 2022, Eberhardt filed a notice of appeal. Dkt. 184. On April 21, 2023, Mr. Eberhardt filed an amended notice of appeal. Dkt. 203. Mr. Eberhardt's appeal is only directed at the Rule 11 Order and the motion for reconsideration.

7. Mr. Eberhardt did not move with either this Court or the Appellate Court for: "(A) a stay of the judgment or order of a district court pending appeal; (B) approval of a bond or other security provided to obtain a stay of judgment; or (C) an order suspending, modifying, restoring, or granting an injunction while an appeal is pending." Fed. R. App. Proc. 8. Consequently, the judgment remains enforceable.

8. On June 16, 2023, Mr. Walsh served Mr. Eberhardt with interrogatories pursuant to Federal Rule of Civil Procedure 69. Exhibit 1, Interrogatories. Mr. Eberhardt did not answer or ask for an extension to do so prior to the expiration of 30 days after service of the interrogatories.

9. On July 23, 2023, Counsel for Mr. Walsh sent email correspondence to Mr. Eberhardt requesting answers to the interrogatories pursuant to Local Rule 37.2.

10. Mr. Eberhardt responded that he was refusing to answer based upon “a pending appeal and the issues as raised therein involve both the validity of and the amount of the monetary penalty...” and that the district court lacks “jurisdiction to address the matter.”

11. Mr. Eberhardt also noted that if the district court disagreed with his position, he would seek entry of a protective order. If this motion is granted, Mr. Walsh does not object to entry of an order barring disclosure of Mr. Eberhardt’s private information for any reason other than to enforce the judgment.

12. Based upon the foregoing and the brevity of the interrogatories, Mr. Walsh respectfully moves the Court to enter an order compelling Mr. Eberhardt to serve answers to the attached interrogatories within three (3) days and for any other relief the court deems appropriate.

WHEREFORE, Defendant, PATRICK J. WALSH, respectfully moves this Court to enter an Order compelling Plaintiff STEPHEN E. EBERHARDT to answer interrogatories within three (3) days and for any other relief it deems appropriate.

Respectfully submitted,

GRIFFIN WILLIAMS
MCMAHON & WALSH, LLP

By: /s/ Patrick M. Griffin
Patrick M. Griffin, Esq.

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STEPHEN E. EBERHARDT,

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and PATRICK J. WALSH, d/b/a WALSH
LAW GROUP, P.C.,

Defendants.

Case No. 1:20-cv-01171

**INTERROGATORIES TO DEFENDANT-DEBTOR STEPHEN E. EBERHARDT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 69**

NOW COMES the Plaintiff-Creditor PATRICK J. WALSH, by and through his attorneys, Griffin Williams McMahon & Walsh, LLP and pursuant to Federal Rule of Civil Procedure 69 serves the interrogatories set forth below and directs Defendant-Debtor STEPHEN E. EBERHARDT to serve answers within 30 days of service of this request:

DEFINITIONS AND INSTRUCTIONS:

1. "Defendant-Debtor" means or refers to Stephen E. Eberhardt and all present and former officers, directors, agents, attorneys, employees, and all other persons acting or purporting to act on their behalf.

2. "Document" shall mean or refer to all written or graphic matter of every kind or description, however produced or reproduced, whether draft or final, original or reproduction, and all tangible things within the scope of Rule 34(a) of the Federal Rules of Civil Procedure, specifically including but not limited to: writings, drawings, graphs, charts, photographs, phonorecords, data compilations (from which the respondent can obtain information, translated, if necessary, into reasonably usable form through detection devices), letters, correspondence, memoranda, minutes, notes, contracts, agreements, memoranda of conversations, microfilm, desk calendars, periodicals, bulletins, circulars, notices, rules, regulations, prospectives, directions, teletype messages, interoffice and intra-office communications, reports, company worksheets, credit files, evidences of indebtedness, negotiable instruments, or material similar to

EXHIBIT

1

tabbles

any of the foregoing, however denominated, that is in the possession, custody, or control of the party upon whom this request is served, or to which the party can obtain access.

3. “Relate to,” including its various forms such as “relating to,” shall mean consist of, refer to, reflect, or be in any way logically or factually connected with the matter discussed.

5. Whenever appropriate, the singular form of a word should be interpreted in plural. “And as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside the scope.

6. “Person” means or refers to any individual, corporation, partnership, association, organization, and any other entity of all types and natures.

7. “Identify,” when used with respect to an individual means to state the full name, age, current address, current place of employment, telephone numbers, (cellular and land) and social security number of that individual.

8. “Identify,” when used with respect to a communication, means to state the name and present address of each person present at the communication and to state the subject matter of the communication. If the communication was in writing, identify all documents that relate to the communication in the manner provided above.

9. “Identify,” when used with respect to a document, means to state the date, author, addressee, and type of document (e.g. “letter”) and to identify its last known custodian and location. In lieu of identifying any document, you may make the document or documents available for inspection and copying pursuant to Rule 33(d) of the Federal Rules of Civil Procedure by so stating in your answer.

10. “Identify,” when used with respect to a company or other business entity, means to state the company’s legal name and the names under which it does business, to specify its form (partnership, corporation, etc.), and to identify its principal proprietors, officers, or directors.

Interrogatories:

1. Identify the individual answering these interrogatories along with any individual that provided information used to answer these interrogatories and for which interrogatory the individual provided such information.

ANSWER:

2. Identify whether you are employed. If your answer is in the affirmative, identify the following with respect to your employer:

- a. the individual or identity that employs you;
- b. the address of your employer;
- c. your monthly income

ANSWER:

3. Identify whether you receive any of the following:

- a. General assistance;
- b. Social Security;
- c. Supplemental Security Income (SSI)
- d. Food Stamps;
- e. State Children & Family Assistance;
- f. Temporary Assistance to Needy Families (TANF);
- g. Aid the Aged, Blind and Disabled (AABD);
- h. Unemployment;
- i. Pension;
- j. Other _____.

ANSWER:

4. Identify whether you are full or joint owner of any real estate. If your answer is in the affirmative, identify the street address, state, and zip code of any and all such real estate and whether there is a mortgage on the real estate.

ANSWER:

5. With respect to any checking, money market, certificates of deposit, safety deposit boxes or credit union accounts registered to you individually or jointly, identify:

| Name of Bank or Institution | Name(s) on Account(s) | Account Type | Balance |
|-----------------------------|-----------------------|--------------|---------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4 | | | |

6. With respect to any motor vehicles that you own individually or jointly, identify:

| Year, Make, and Model | Title in Name of | Monthly Payment | Balance |
|-----------------------|------------------|-----------------|---------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4 | | | |

7. Identify whether you own any property other than what you have disclosed in answering the preceding interrogatories. If your answer is in the affirmative, describe the property and its total value.

ANSWER:

Respectfully submitted,

GRIFFIN WILLIAMS
MCMAHON & WALSH, LLP

By: /s/ Patrick M. Griffin
Patrick M. Griffin, Esq.

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_____, being first duly sworn, on oath deposes and says that he is the Defendant-Debtor Stephen E. Eberhardt herein and that the above swears that the above answers to interrogatories are true.

Subscribed to and sworn before me

this _____ day

of _____, 2023.

Notary Public